



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF OPTOMETRISTS

IN THE MATTER OF A DISCIPLINARY
ACTION AGAINST OF THE LICENSE OF

PAUL FEIGELIS, O.D.
License No.4636

TO PRACTICE OPTOMETRY
IN THE STATE OF NEW JERSEY

: Administrative Action
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: FINAL DECISION AND ORDER
: AFTER UPL EXPLANATION
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This matter was opened to the New Jersey Board of Optometrists (hereinafter the "Board") on a review of an advertisement of Sight Saver Optical run in the August 16, 2000 issue of the Asbury Park Press which used the abbreviation "Dr." without the qualifier "optometrist." The advertisement revealed probable violations of N.J.S.A. 45:12-26 and N.J.A.C. 13:38-1.4(d).

On November 1, 2000, a Uniform Penalty Letter (hereinafter "U.P.L.") was sent to Respondent setting forth the initial findings of the Board and offering Respondent the opportunity to settle this matter by acknowledging the violations and paying an aggregate civil penalty in the amount of \$250 reflecting the following:

A civil penalty of \$250 for the failure to qualify the title "Dr." with the term "optometrist" in violation of N.J.S.A. 45:12-26 and N.J.A.C. 13:38-1.4(d).

Alternatively, Respondent was given the options of either requesting a hearing before the Board or submitting a written explanation and waiving respondent's right to a hearing.

Waiving his right to a hearing, Respondent elected to submit a written explanation in which he maintained that he is aware that as an Independent Doctor of Optometry he must specify the type of doctor to avoid confusion by the public. He submitted samples of previous ads to demonstrate that he always puts O.D. after his name and the names of optometrists listed in advertisements. Respondent claims that it was the newspaper's oversight because three doctors were listed in the advertisement with the term "O.D." following their names and the newspaper editor felt the ad looked awkward and redundant. The newspaper editor deleted the qualifier. However, Respondent admits that he should have picked up this omission when he proofread the advertisement and that the oversight has been corrected in future advertisements.

At its meeting on December 20, 2000, the Board considered the advertisement and respondent's explanation. With respect to charges of N.J.S.A. 45:12-26 and N.J.A.C. 13:38-1.4(d) the Board finds the licensee is responsible for the material printed in an advertisement. In this instance that licensee admitted that he proofread the advertisement but failed to correct the problems. Accordingly, the Board finds that Respondent failed to conform with statutory and/or regulatory obligations as set forth in the UPL and thus it concludes that the violation of N.J.S.A. 45:12-26 and N.J.A.C. 13:38-1.4(d) occurred.

Based on the foregoing:

IT IS on this 17th day of January, 2001,

ORDERED that:

1. Respondent shall pay to the Board a civil penalty in the total amount of \$ 250 for the violations as set forth in the U.P.L. and found as detailed above. Said payment shall be made by certified check or money order payable to the State Board of Optometrists and shall be delivered within ten (10) days of service of this order to the Executive Director at the Board of Optometrists, P. O. Box 45012, Newark, New Jersey 07101. Failure to remit the payment required by this Order

will result in the filing of a certificate of debt.

2. Respondent shall cease and desist from engaging in any of the conduct found herein to be unlawful.

NEW JERSEY STATE
BOARD OF OPTOMETRISTS

BY: 

Barry Schneider
President